

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 4/1/10 has been entered.

Response to Arguments

2. Applicant's arguments, see the RCE, filed 4/1/10, with respect to claims 1-4, 7, 9, 10, 13-16, 18-23, 25, 27, 31, 33-40, 42, 44-48, 50-63, 65-68, 71-75, and 96-101 have been fully considered and are persuasive. The 35 U.S.C. 103 rejections of claims 1-4, 7, 9, 10, 13-16, 18-23, 25, 27, 31, 33-40, 42, 44-48, 50-63, 65-68, and 71-75 have been withdrawn.

Double Patenting

3. A rejection based on double patenting of the "same invention" type finds its support in the language of 35 U.S.C. 101 which states that "whoever invents or discovers any new and useful process ... may obtain a patent therefor ..." (Emphasis added). Thus, the term "same invention," in this context, means an invention drawn to identical subject matter. See *Miller v. Eagle Mfg. Co.*, 151 U.S. 186 (1894); *In re Ockert*, 245 F.2d 467, 114 USPQ 330 (CCPA 1957); and *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970).

A statutory type (35 U.S.C. 101) double patenting rejection can be overcome by canceling or amending the conflicting claims so they are no longer coextensive in scope. The filing of a terminal disclaimer cannot overcome a double patenting rejection based upon 35 U.S.C. 101.

Art Unit: 2622

4. Claims 69, 76, 70, and 77 are objected to under 37 CFR 1.75 as being a substantial duplicate of claims 66, 67, and 68, respectively. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claim 6 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

7. Claim 6 recites the limitation "said user input" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim Objections

8. Claim 24 is objected to because of the following informalities: Claim 24 depends from claims 27. Appropriate correction is required.

Allowable Subject Matter

9. Claims 1-4, 7, 9, 10, 13-16, 18-23, 25, 27, 31, 33-40, 42, 44-48, 50-63, 65-68, 71-75, and 96-101 are allowed.

Art Unit: 2622

10. The following is an examiner's statement of reasons for allowance:

In regard to claims 1-4, 7, 9, 10, 13-16, 18-23, 25, 27, 31, 33-40, 42, 44-48, 50-63, 65-68, 71-75, and 96-101, the prior art does not disclose a method or system for capturing transmitting and processing arena camera views with the combination of limitations specified in the claimed invention, specifically the limitations of:

simultaneously capturing at least two arena camera views of a live entertainment activity in an arena using a primary camera located above and near the center of said performance platform and capturing images of live entertainment occurring on said performance platform from above said performance platform and at least one slave camera located proximate to the arena performance platform and capturing side views of images on said platform, wherein movement of the at least one slave camera is synchronized to movement of the primary camera enabling the primary camera and the at least one slave camera to remain focused on a similar target of interest in the arena and moving about said performance platform while simultaneously capturing the at least two arena camera views; transmitting said at least two arena camera views provided from the primary camera and the at least one slave camera to a server connected to said data network, as stated in claim 1 and similarly stated in claims 33 and 65.

Conclusion

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to GEVELL SELBY whose telephone number is (571)272-7369.

The examiner can normally be reached on 8:00 A.M. - 5:30 PM (every other Friday off).

Art Unit: 2622

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lin Ye can be reached on 571-272-7372. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Gevell Selby/
Primary Examiner, Art Unit 2622

gvs